

In re Application of:
Nicolay Y. Kovarsky, et al.

Group Art Unit: 1742


Examiner: Nicholas A. Smith

For: Insoluble Anode with an Auxiliary Electrode

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited on with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or electronically transmitted to the U.S. Patent and Trademark Office via EFS-Web to the attention of Examiner Nicholas A. Smith, on the date shown below.

12/20/2006
Date


Nathaniel Z. Carr

Dear Sir:

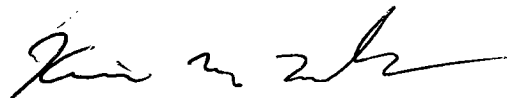
On December 7, 2006 and December 8, 2006, telephonic interviews were held between Keith M. Tackett (an attorney of record) and Examiner Nicholas A. Smith. The references of record discussed included United States Patent Application Serial No. 10/268,284 (hereafter Application '284). The nonstatutory obviousness-type double patenting rejection on claims 1 and 9 over claim 38 of Application '284 was discussed during the telephone interviews.

On December 7, 2006, Applicants pointed out to the Examiner that claim 38 of Application '284 does not teach or suggest the claimed subject matter of claims 1 and 9. Particularly, claim 38 of Application '284 does not teach or suggest a deplating electrode positioned radially outward from a plating electrode in an anode fluid volume, as set forth in claims 1 and 9. The Examiner offered to consider Applicants' argument and resume the discussion in a later time.

On December 8, 2006, the Examiner cited Bacon et al (United States Patent No. 4,466,864, hereafter *Bacon*) supporting the nonstatutory obviousness-type double patenting rejection of claims 1 and 9. *Bacon* was not a reference of record at the time. The Examiner did not indicate how *Bacon* is applied in the obviousness-type double patenting rejection of claims 1 and 9.

No agreement was reached on the nonstatutory obviousness-type double patenting rejection.

Respectfully submitted,



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